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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4th DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No.5138/1994

C.Siddaiah
S/o Chikkanna,
aged 52 years,
Agriculturist,
R/at III Cross,
Gandhi Bazaar,
Shimoga City. .. Petitioner

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(By Sri B.Rudregowda,
Advocate)

Vs.

1. The Asst. Commissioner,
Shimoga Sub-Division,
Shimoga.
2. The Tahsildar,
Shimoga Taluk,
Shimoga.
3. Doddaiiah
S/o Venkataiah
Doddavile village,
Shimoga Taluk... Respondents

(By Sri B.E.Kotian,
Addl. Govt. Advocate
for Respondents 1 and 2;
Sri S.Nagaraj,
Advocate for Respondent-3)

Writ Petition filed under Articles 226 and 227 of the Constitution of India with an affidavit praying for the quashing of the order dated 20-1-1993 vide Annexure-E, etc.

This petition coming on for hearing before Court this day, the Court made the following:

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O R D E R

The petitioner, in this petition, claims to be the owner of land measuring 1 acre 27 guntas of Honnavile village in Survey No.66 (old) 97 (new), Block No.4, having purchased the same by means of registered sale deed dated 3rd of October 1985 from one Wadeyar Goundar.

2. In this petition, he has called in question the correctness of the order dated 20th of January 1993, a copy of which has been produced as Annexure-E, passed by the first respondent resuming the land in question to the Government on the ground that the sale of the said land was made in favour of the petitioner by the aforesaid Wadeyar Goundar in contravention of the terms of the grant.

3. Though Sri B.Rudregowda, learned Counsel appearing for the petitioner and Sri Nagaraj, learned Counsel appearing for the third respondent, advanced arguments for a considerable length of time in support of their respective plea, however, in the light



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of the discussion that had taken place in the course of the hearing, fairly submitted that the order Annexure-D passed by the second respondent and also order dated 20th of January 1993 Annexure-E passed by the first respondent may be set aside and the matter may be remitted to the second respondent for fresh disposal.

4. Accordingly, the order Annexure-D passed by the second respondent and also the order Annexure-E passed by the first respondent are hereby quashed and the matter is remitted to the second respondent for fresh consideration.

5. The petitioner and the third respondent are directed to appear before the second respondent for fresh consideration of the matter on 8th of July 1998. It is made clear that the petitioner and the third respondent are not entitled for any fresh notice from the second respondent.



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6. The second respondent is directed to pass fresh orders after hearing the petitioner and the third respondent and in accordance with law, within three months from 8th of July 1998.

7. Accordingly, this petition is allowed and disposed of in terms stated above. Rule issued is made absolute.

8. Sri B.E.Kotian, learned Additional Government Advocate, is permitted to file his memo of appearance within four weeks from today.



Sd/-
JUDGE

ANB.